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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,500	03/26/2004	Masakazu Nishida	9683/175	8158
7590	04/04/2008			
Brinks Hofer Gilson & Lione				EXAMINER
NBC Tower				ROSE, KERRI M
Suite 3600				
P.O. Box 10395				ART UNIT
Chicago, IL 60610				PAPER NUMBER
				2616
				MAIL DATE
				04/04/2008
				DELIVERY MODE
				PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/810,500	NISHIDA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	KERRI M. ROSE	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 26 March 2004.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-5 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-5 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 26 March 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/21/04;3/29/05;4/10/06;8/22/06.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.



## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 5 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A computer program product must be stored on a computer readable medium in order to be functionally and mechanically related to a computer. Only when functionally and mechanically related can a program be considered statutory.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(a) as being anticipated by Riordan (EP 1 227 386; provided by applicant).

5. In regards to claim 1, Riordan discloses a computer terminal (figure 1) comprising: a receiving means for receiving a program (fig. 1 element 10); a storage means for storing correspondingly a program and provider identification of the program (fig. 1.8 and 12); an executing means for executing the program, the program being stored in said storage means, and said storage means storing at least first and second programs (fig. 1.6); a determining means for determining whether the provider identifications of the first program and the second program

that are stored in said storage means are the same, the determination being carried out in response to a request for allowing use of data with the second program, the data being associated with the first program, and the data being able to be used with the first program (Paragraph 52 and fig. 2); and a permitting means for permitting use of the data with the first program if said determining means determines that the provider identifications are the same (paragraph 52).

6. In regards to claim 2, Riordan discloses the computer terminal of claim 1, further comprising: a input device for use by a user (fig. 1.14); and a requesting means for requesting a user's permission to use the data with the second program, wherein upon receipt of permission via said input device, said permitting means permits the use of data with the second program, if said determining means determines the provider identifications of the two programs are the same (fig. 4 element 40 is an access database, which stores permissions for each program. The list must be populated based upon permissions given by the user.).

7. In regards to claim 3, Riordan discloses the computer terminal of claim 1, further comprising: a input device used by a user (fig. 1.14); and a setting means for setting, on the basis of the instruction input via said input device, the permission to use the data with the second program, wherein if the permission is set by said setting means and said determining means determines that the provider identifications are the same, said permitting means permits use of the data with the second program (fig. 4 element 40 is an access database, which stores permissions for each program. The list must be populated based upon permissions given by the user.).

8. Claim 5 is rejected upon the same grounds as claim 1, because Riordan discloses a computer program in paragraph 24.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Riordan (EP 1 227 386; provided by applicant) in view of known prior art.

11. In regards to claim 4, Riordan discloses the computer terminal of claim 1, but not wherein the provider identification includes a communication address of a communication device which transmits the program.

12. It is known in the art to use the source address to help identify the provider because the source address is unique. Additionally, paragraph 32 provides for an additional program specific identifier, which helps ensure programs from the same developer trust one another. Programs from the same developer would come from the same source address, so paragraph 32 seems to provide support for including the source address in the identifier.

13. **Official Notice is taken** that it would have been obvious to one of ordinary skill in the art at the time of the invention to include the source address in the identification key because the source address is unique and thus helps to exclude unauthorized users.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KERRI M. ROSE whose telephone number is (571) 272-0542.

The examiner can normally be reached on Monday through Thursday, 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung MOE can be reached on (571) 272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kerri M Rose/  
Examiner, Art Unit 2616

/Aung S. Moe/  
Supervisory Patent Examiner, Art Unit 2616